

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
NE/Cor. Reisterstown Road * ZONING COMMISSIONER
Glyndon Drive * OF BALTIMORE COUNTY
(405 Reisterstown Road) *
4th Election District * Case No. 88-334-X
3rd Councilmanic District *
Peter J. Ferra, et ux *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception to permit a Class B office building in an R.O. zone, as more particularly described in Petitioner's Exhibit 3.

The Petitioners, by Mrs. Norma J. Ferra, appeared, testified and were represented by Gary C. Duvall, Esquire. Also appearing on behalf of the Petition was Mr. James McKee of McKee & Associates, Inc., civil engineers. There were no Protestants present at the hearing.

Testimony proffered on behalf of the Petitioners indicated that the subject property is located at the corner of Reisterstown Road and Glyndon Drive, is zoned R.O., and is currently improved with a two-story historical dwelling which has been converted to medical offices for the Petitioner, Peter J. Ferra, a pediatrician. The Petitioners propose constructing an addition to provide an office for the Petitioner, an office for his office manager, a lunchroom, and two proposed future examining rooms. Dr. Ferra is the only physician practicing at this location. The current use and proposed use meet the requirements for a Class B office building as defined by the Baltimore County Zoning Regulations (B.C.Z.R.). The proposed addition will be only one-story high and the existing structure is only 26 feet high, as shown on Petitioner's Exhibit 3.

On behalf of the Petition, a letter dated December 11, 1987 from the Landmarks Preservation Commission for Baltimore County was submitted as Petitioner's Exhibit 1, which indicated that the proposed addition would not detract

1) Hearing Date: 2-24-88, 10:00 AM
2) Hearing Date: 2-24-88, 10:00 AM
ZONING ADVISORY COMMENTS
Planning: FERRA
Traffic: FERRA
SIA: FERRA
Technical: FERRA
Other: FERRA

MCKEE & ASSOCIATES, INC.

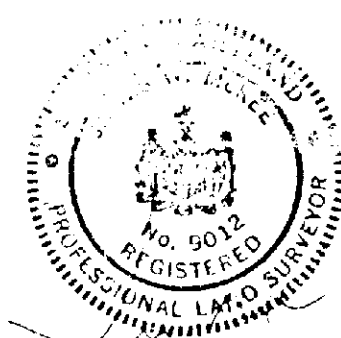
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (301) 252-5820

November 4, 1987

DESCRIPTION OF 405 REISTERSTOWN ROAD FOURTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point at the intersection of the east side of Reisterstown Road (66 feet wide) and the south side of Glyndon Drive (70 feet wide); thence running along the south side of Glyndon Drive northeasterly 20.37 feet, easterly 36.20 feet, and by a curve to the right having a radius of 800.00 feet and an arc length of 143.11 feet; thence leaving said road and running South 07° 35' East 116.40 feet and North 86° 30' West 200.00 feet to the east side of Reisterstown Road; thence running along the east side of Reisterstown Road North 05° West 80.54 feet to the point of beginning, containing 0.455 acres of land, more or less.



Peter J. Ferra, et ux
NE/Cor. Reisterstown Road & Glyndon Dr.
(405 Reisterstown Road)
4th E.D.
88-334-X

from the architectural qualities of the National Register Historic District and that said letter constituted a "certificate of appropriateness."

Also submitted as Petitioner's Exhibit 2 was correspondence dated February 22, 1988 from the Office of Planning permitting a waiver of the required widening of Glyndon Drive. Proffered testimony was to the effect that Glyndon Drive had just recently been widened prior to the application for the Petition for Special Exception in the instant case. It was proffered and Mr. McKee so indicated that he would testify that the proposed addition would comply with the requirements of Section 502.1 of the B.C.Z.R., and that, in general, the proposed addition would not pose a danger or be detrimental to the health, safety or general welfare of the locality involved.

There were no adverse comments submitted by the Zoning Plans Advisory Committee in this case.

It is clear that the B.C.Z.R. permit the use proposed in a R.O. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed by the Petitioner do not show that the proposed use at the particular location described by Petitioner's Exhibit 3 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. *See, e.g., Baltimore County v. Baltimore County Board of Zoning Appeals*, 331 Md. 1319 (1981).

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 4th E.D. Date of Posting: 2-24-88
Posted for: Special Exception
Petitioner: Peter J. Ferra, et ux
Location of property: NE/Corner of Reisterstown Road and Glyndon Drive (405 Reisterstown Road)
Location of Sign: 405 Reisterstown Road
Remarks: [Signature]
Posted by: [Signature] Date of return: 2-24-88
Number of Signs: 1

Gary C. Duvall, Esquire
401 Washington Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
NE/Corner of Reisterstown Road and Glyndon Drive
(405 Reisterstown Road)
4th Election District - 3rd Councilmanic District
Peter J. Ferra, et ux - Petitioners
Case No. 88-334-X

Dvar Mr. Duvall

Enclosed please find the decision rendered on the above-referenced case. The Petition for Special Exception has been Granted, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

Jdh/bjs
Enclosures

cc: Mr. James W. McKee
McKee & Associates, Inc.
5 Shawan Road, Hunt Valley, Md. 21030

People's Counsel

File

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, it appears that the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of March, 1988 that a Class B office building in an R.O. zone, in accordance with Petitioner's Exhibit 3, be approved, and as such, the Petition for Special Exception is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time in at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to pay, in full, the cost of the hearing and all other costs incurred by the County in connection with this Order.

J. Robert Haines
Zoning Commissioner
for Baltimore County

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. Feb. 11, 19 88
THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 11, 19 88.

OWINGS MILLS TIMES.

[Signature]
Publisher

* 30-39

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
484-3333

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 140 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-334-X
NE/Cor. Reisterstown Road and Glyndon Drive
(405 Reisterstown Road)
Petitioner: Peter J. Ferra, et ux
DATE/TIME: MONDAY, FEBRUARY 29, 1988 at 9:00 a.m.

Special Exception - A Class B building in an R.O. zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period. For good cause shown, such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner
for Baltimore County

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a Class B building in an R.O. zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) Peter J. Ferra
Signature: [Signature]
Address: Norma J. Ferra
(Type or Print Name)
City and State: [Signature]

Attorney for Petitioner: GARY C. DUVALL
(Type or Print Name)
Address: 405 Reisterstown Road
City and State: Towson, MD 21136

RECEIVED FROM: BALTIMORE COUNTY, MARYLAND
FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 45647
ACCOUNT: 11-1-87 200-615
AMOUNT: \$ 100.00

RECEIVED FROM: [Signature]
FOR: [Signature]
DATE: 2-24-88
AMOUNT: \$ 100.00

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DATE: 2-24-88
AMOUNT: \$ 100.00

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AMOUNT: \$ 100.00

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FOR: [Signature]
DATE: 2-24-88
AMOUNT: \$ 100.00

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 16, 1988

"COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
000

Gary C. Duval, Esquire
401 Washington Avenue
Towson, Maryland 21204

RE: Item No. 178 - Case No. 88-334-X
Petitioner: Peter J. Ferra, et ux
Petition for Special Exception

MEMBERS
Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Dear Mr. Duval:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: McKee & Associates, Inc.
Shawna Place, 5 Shawna Road
Hunt Valley, Maryland 21030

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
P. David Fields
FROM: Director of Planning and Zoning
SUBJECT: Zoning Petition Nos. 88-334-X and 88-336-X

Date: January 28, 1988

This office is not opposed to the granting of the subject request.

P. David Fields
P. David Fields
Director

PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

88-334-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
10th day of December, 1987.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Peter J. Ferra, et ux
Petitioner's
Attorney: Gary C. Duval, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

November 24, 1987

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Peter J. Ferra, et ux

Location: NE/Corner Reisterstown Road and Glyndon Drive

Item No.: 178

Zoning Agenda: Meeting of 11/24/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: *John F. O'Neill*
Noted and Approved:
Special Inspection Division

/s/



Maryland Department of Transportation State Highway Administration

Richard H. Treloar
Secretary
Hal Kassoff
Administrator

November 27, 1987

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: ZAC Meeting of 11-24-87

ITEM: #178

Property Owner: Peter J. Ferra,
et ux
Location: NE Corner Reisterstown
Road, Route 140 & Glyndon Drive
Existing Zoning: R.O.
Proposed Zoning: Special Exception
for a Class B office building
Area: .455 acres
District: 4th Election District

Dear Mr. Haines:

On review of the submittal of 10-30-87, the State Highway Administration - Bureau of Engineering Access Permits finds the plan generally acceptable with no access to Reisterstown Road (Maryland Route 140).

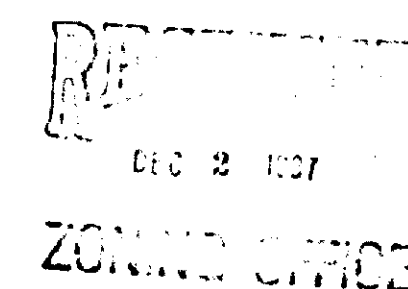
If you have any questions, please call Larry Brocato of this office.

Very truly yours,

Charles J. Mills, Jr.
Charles J. Mills, Jr.
Acting Chief
Bureau of Engineering
Access Permits

LB:maw

cc: Mr. J. Ogle
McKee & Assoc., Inc.



My telephone number is (301) 333-1330

Typewriter for impaired hearing or speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204
494-3211

Norman E. Gerber
Director

December 11, 1987



Dennis F. Rasmussen
County Executive

Mr. Geoffrey C. Schultz
McKee & Associates, Inc.
Shawna Place
5 Shawna Road
Hunt Valley, MD 21030

Dear Mr. Schultz:

At its meeting of December 10, 1987, the Baltimore County Landmarks Preservation Commission examined the plans and elevations for the proposed rear wing of the Ferra House at 405 Reisterstown Road and determined that the additions would not detract from the architectural qualities of the National Register Historic District. This letter constitutes a "certificate of appropriateness."

Sincerely,

John W. McLean
John W. McLean
Executive Secretary
Landmarks Preservation Commission

JWM:ef

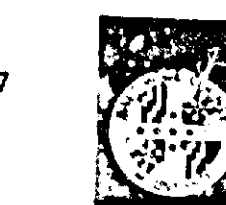
cc: Elena Litter, Current Planning

PETITIONER'S
EXHIBIT 1

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
494-3554

December 2, 1987

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204



Dennis F. Rasmussen
County Executive

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comment for items number 177, 179, 180, 181, 182, and 183.

Very truly yours,

Miles & Stockbridge
MILES & STOCKBRIDGE
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

TELEPHONE (410) 846-8800
CABLE MESSAGE
TELEX BY RU

March 2, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

RE: Case No. 88-334-X
Peter J. and Norma J. Ferra,
Petitioners
Petition for Special Exception
for Class B Office Building
in an R-O Zone

Dear Commissioner Haines:

Enclosed please find a proposed draft findings of Fact and Conclusion of Law and Order as requested at the hearing on Monday, February 29, 1988. I trust it meets with your approval.

Thank you for your suggestions and assistance at the hearing.

Very truly yours,

Gary C. Duval
Gary C. Duval

Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204
494-3211

P. David Fields
Director

February 22, 1988

McKee & Associates, Inc.
5 Shawna Road
Hunt Valley, Maryland 21030

Re: Reisterstown Road - 405
W-88-50

Dear Sir:

We have reviewed your waiver application for the above property and have determined that a waiver for the Public Works Standards (4' widening along Glyndon Drive frontage) as requested would be within the scope, purpose and intent of the development Regulations of Baltimore County and is therefore approved. This development shall comply with all other applicable laws, rules and regulations of Baltimore County (Section 22-51). Should you have any questions, please contact Gary Kerns, Chief, Current Planning and Development, at 494-3335.

NOTE: This waiver approval letter shall be presented by the applicant when applying for a building permit.

Sincerely yours,

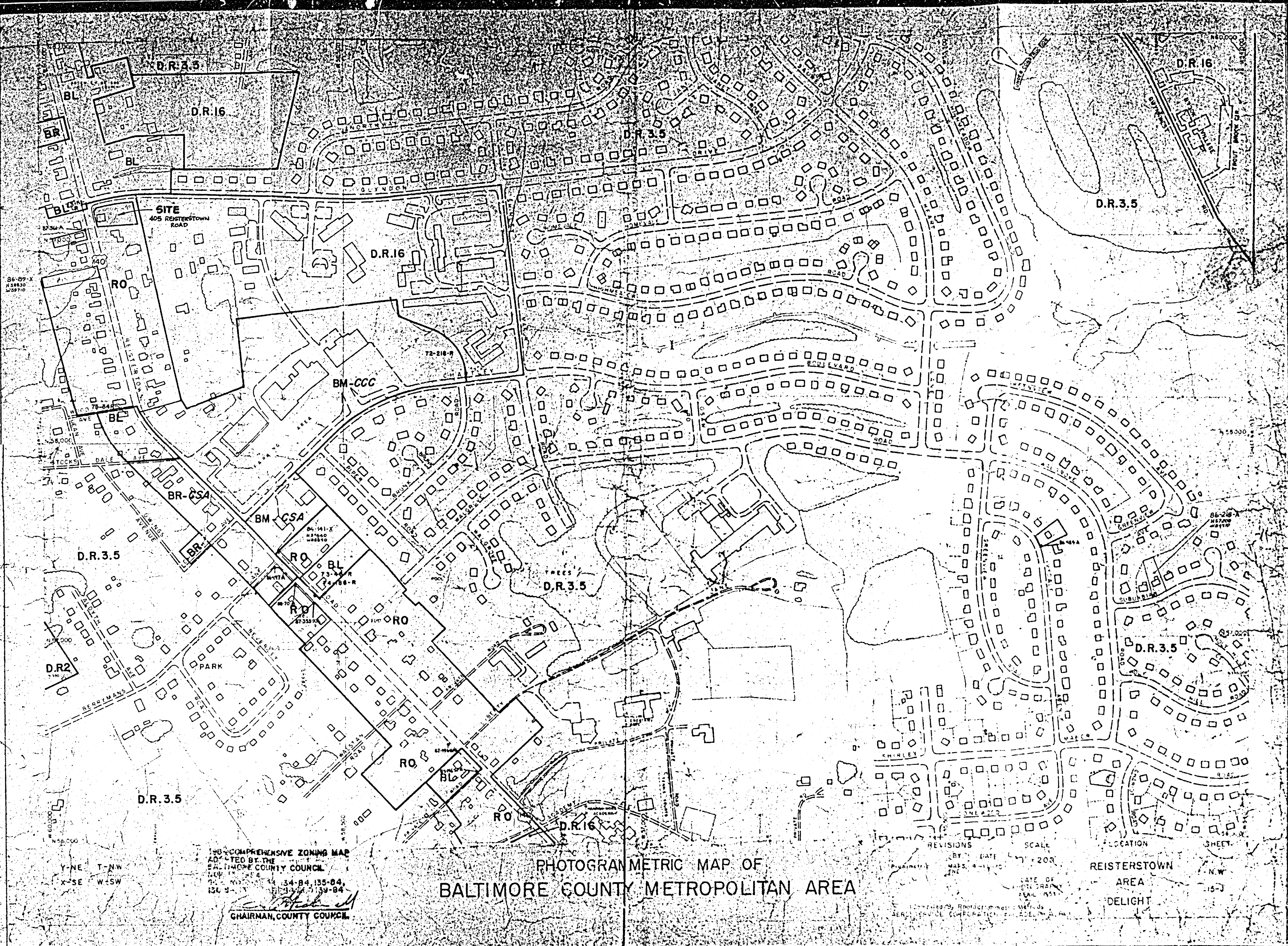
P. David Fields
P. David Fields
Director of Planning and Zoning

PDF:rh

cc: James A. Markle
Robert Bowling
File

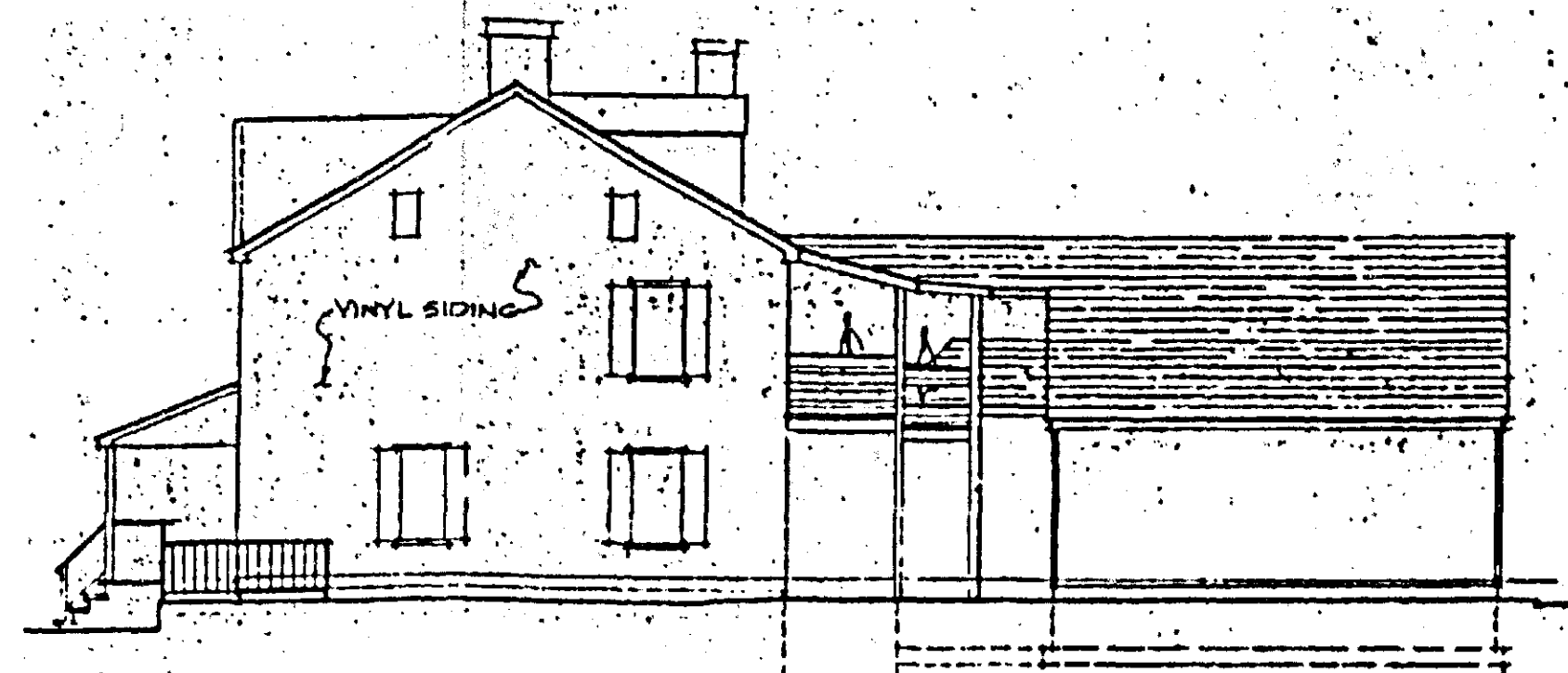
PETITIONER'S
EXHIBIT 2



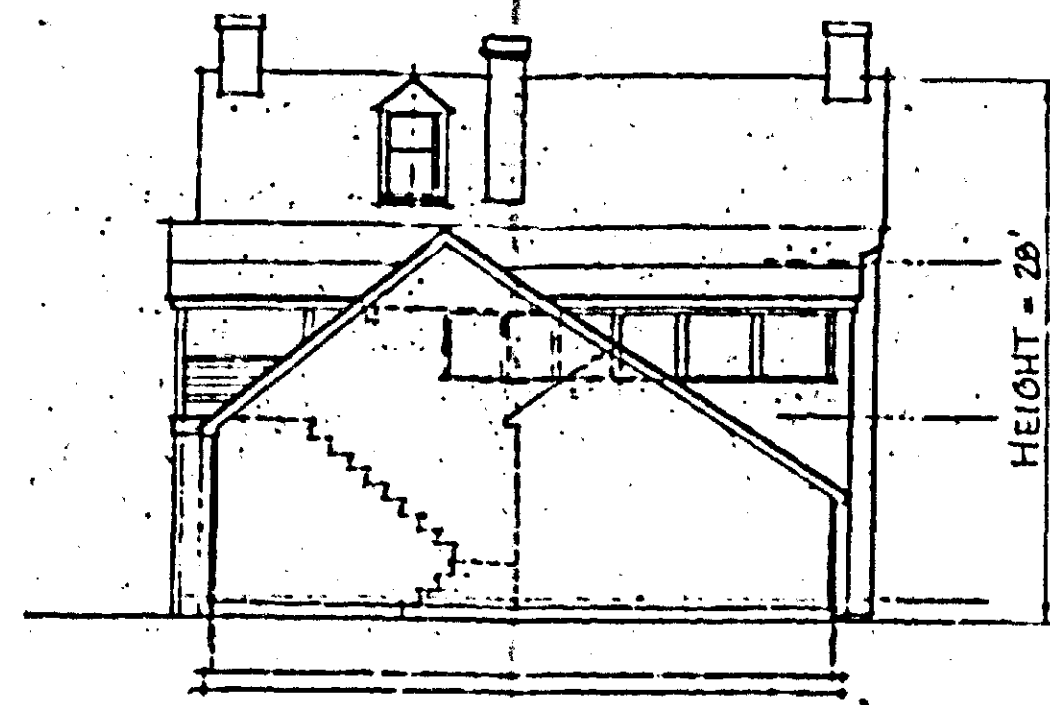




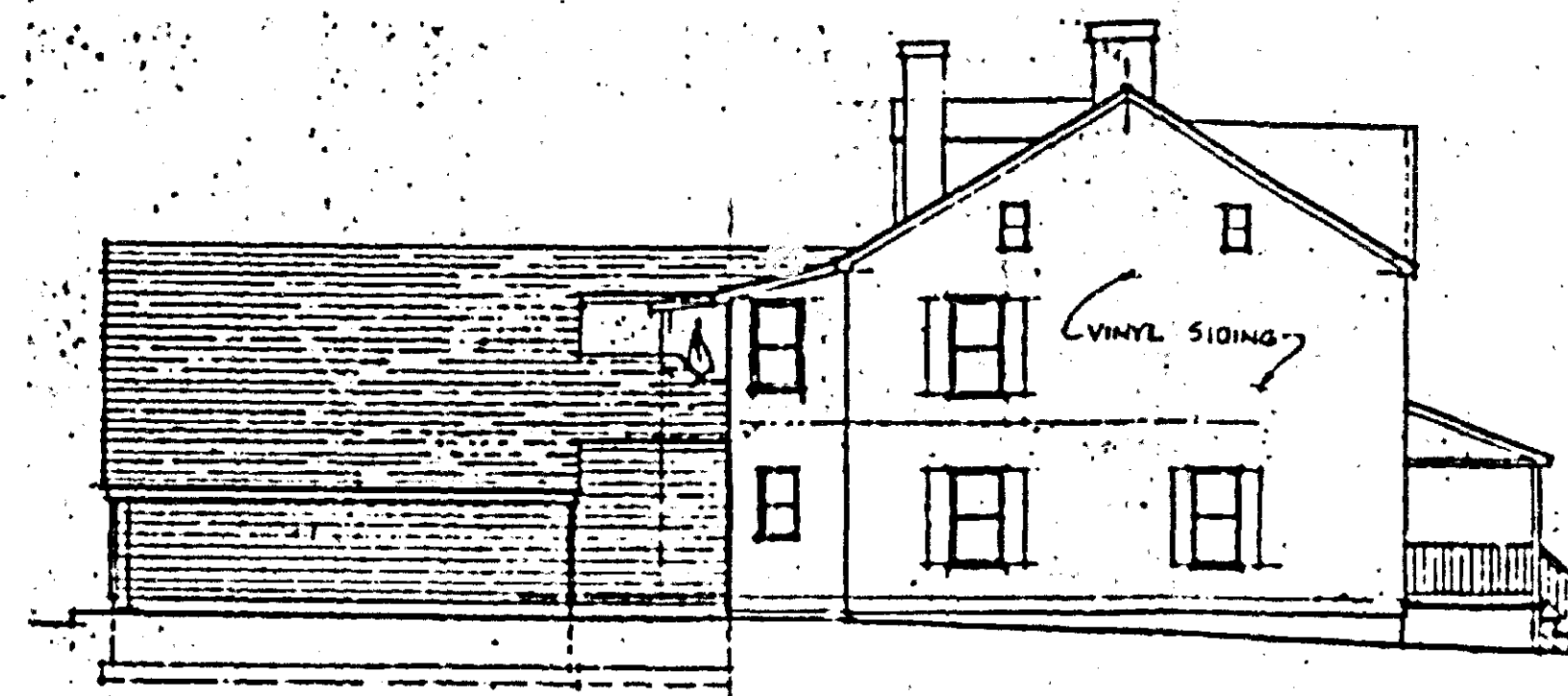
FRONT ELEVATION
NOT TO SCALE



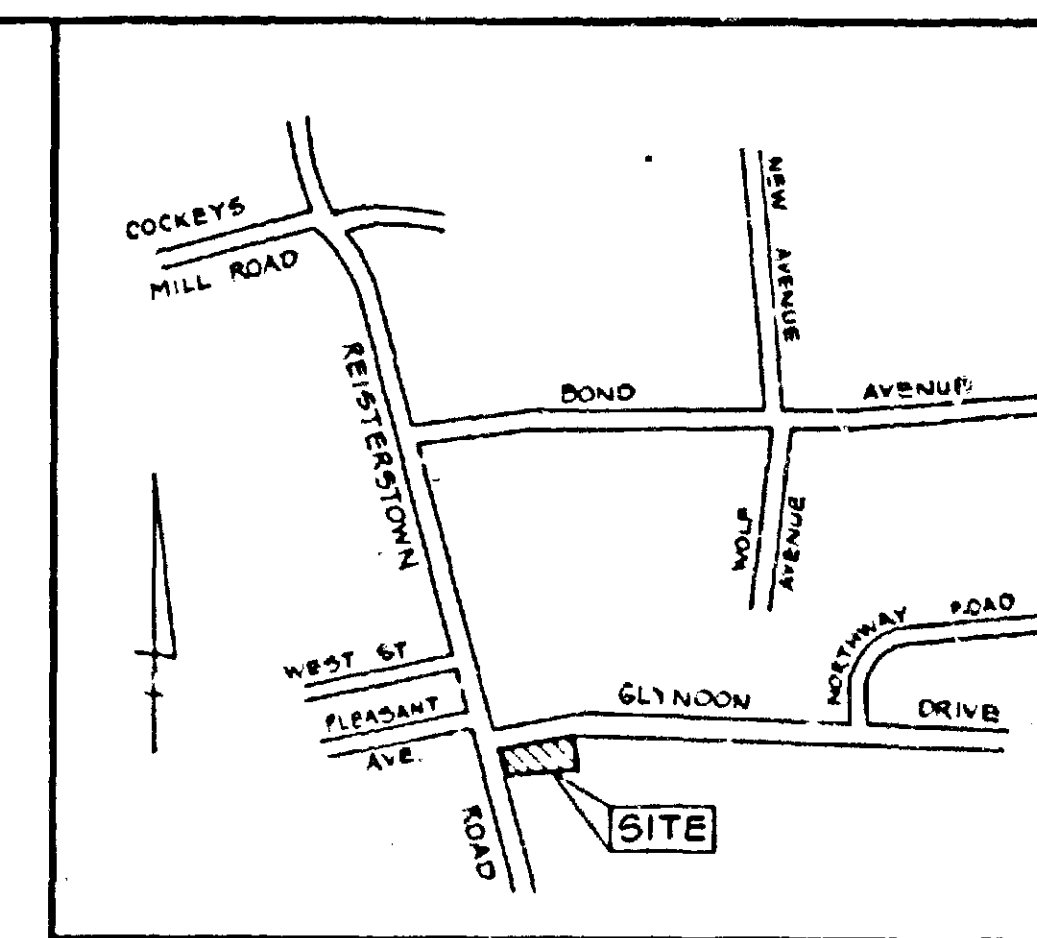
RIGHT ELEVATION
NOT TO SCALE



REAR ELEVATION
NOT TO SCALE



LEFT ELEVATION
NOT TO SCALE



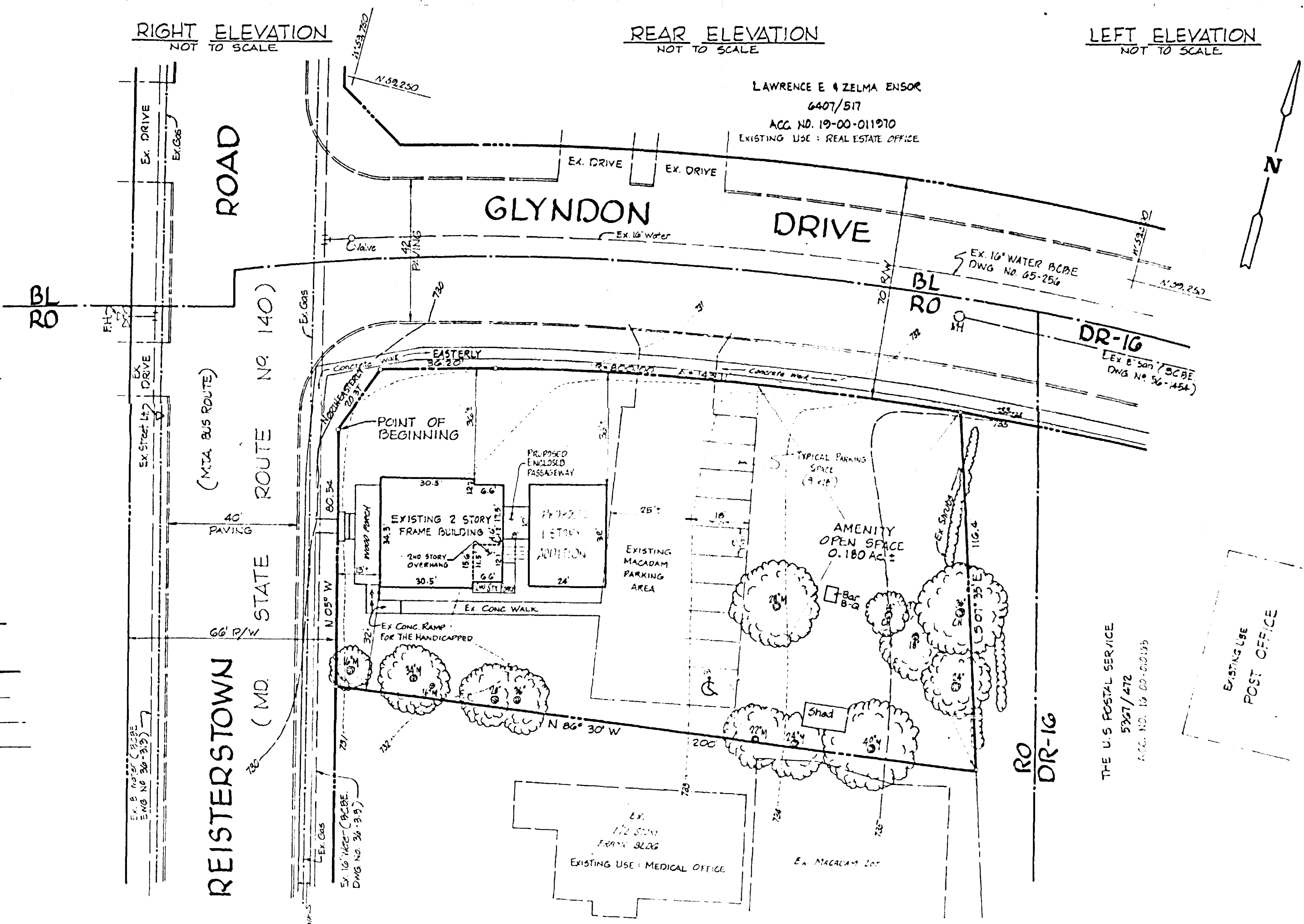
VICINITY MAP
SCALE: 1" = 600'

GENERAL NOTES

- THIS SITE LIES WITHIN CENSUS TRACT NO. 4050.00
- THIS SITE LIES WITHIN COUNCILMATIC DISTRICT NO. 3
- THIS SITE LIES WITHIN WATERSHED NO. 27
- THIS SITE LIES WITHIN SEWER SHED NO. 67
- THIS SITE IS WITHIN THE NATIONAL REGISTER HISTORIC DISTRICT OF REISTERSTOWN, INVENTORY NO. BA-1248
- SOIL TYPE - G13 (GLENELG-URBAN LAND COMPLEX-0-8% SLOPES)
- HOURS OF OPERATION: MON. - FRI. - 9AM TO 5 PM.
WED. EVE. - 7 PM. TO 9 PM.
SAT. - 9 AM TO 1 PM.
24 HR. EMERGENCY BY APPOINTMENT
- MAXIMUM NO. OF EMPLOYEES - 3
- ADT'S - (OFFICE) 12.3 TRIPS/1000' = 24
(APARTMENT) / UNIT = 7.5
TOTAL = 32 ADT'S

LEGEND

- EXISTING CONTOURS
- PROPERTY LINE
- EXISTING TREES
- ZONING LINE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING GAS LINE



TABULATION

- EXISTING ZONING OF SITE RO
- GROSS AREA OF PROPERTY 0.690 AC±
- NET AREA OF PROPERTY 0.455 AC±
- FLOOR AREA AND USES
EXISTING:
1ST. FLOOR (OFFICE) 1,172 SF
2ND FLOOR (APARTMENT) 1,250 SF
PROPOSED ADDITION:
1ST. FLOOR (OFFICE) 768 SF
TOTAL FLOOR AREA (OFFICE USE) 1,940 SF
- FLOOR AREA RATIO:
MAXIMUM FAR PERMITTED = 50%
PROPOSED FAR = 3190 SF ÷ 0.73 AC ± 0.690 AC = 11%
- AMENITY OPEN SPACE DATA:
AGS REQUIRED = (25% OF GROSS) = 25 x 0.690 = .173 AC±
AGS PROVIDED = .180 AC±
- PARKING REQUIRED:
1ST. FLOOR (OFFICE) 1,940 ÷ 300 = 7 SPACES
2ND FLOOR (APARTMENT) 1 SPACES
TOTAL REQUIRED = 8 SPACES
B. PARKING PROVIDED = 10 SPACES

PETITIONER'S EXHIBIT 3

PLAT TO ACCOMPANY
PETITION FOR
SPECIAL EXCEPTION

AT
#405 REISTERSTOWN ROAD
4TH ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE: 1" = 20' DATE: OCT. 30, 1987

OWNER & APPLICANT

PETER J. FERRA & NORMA J. FERRA
405 REISTERSTOWN ROAD
REISTERSTOWN MD 21136
(301) 833-2675

DEED REFERENCE: 6530/797
ACCOUNT NUMBER: 04-13-000100

McKEE & ASSOCIATES, INC.

CIVIL ENGINEERS • LAND SURVEYORS
5 SHAWAN ROAD HUNT VALLEY, MD 21030
252-5820

DATE	REVISION

DAVID A. FIELDS JR. & KIRL PICK
6636/161
ACC. NO. 04-20-048423

JAMES W. McKEE

DATE